Filed

(4)

IN THE HIGH COURT OF JUDICATURE AT CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 5050 /2004

PETITIONER

S.P. Sahu, aged about-41 yrs., S/o Shri P.R. Sahu, presently working as Sub-Engineer, R/o – BhahdarDeepa, Tapkara, Tehsil-kunkari, District-Jashpur, Chhattisgarh.

5033/04 Sanjay Ku. Atul 23/12/04

P.R. No. Presented by dated

VERSUS

RESPONDENTS

1. State of Chhattigarh, Through: The Secretary, Department of Public Works, Government of Chhattisgarh, D.K.S. Bhawan Mantralaya, Raipur, Chhattisgarh.

2. Collector, District:- Jashpur, Chhattisgarh.

3. Sub-Divisional-Officer, Department of Public Works, Sub-Division-Kunkuri, District_ Jashpur, Chhattisgarh.

4. Superintendent Engineeer, Department of Public Works, Bilaspur, District-Bilaspur, Chhattisgarh

Clerk to Sh. Atul

RECEIVED COPY 23.12.04

WRIT PETITION UNDER SECTION 226/227 OF THE CONSITITIUTION OF INDIA

(53)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 5050/04 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

31/01/2005

Shri Sanjay K. Agrawal, counsel for the petitioner.

Shri Vinod Shrivastava, G.A. for the State.

Heard on I.A. No. 9937/2004 for urgent hearing. It is allowed.

The petitioner has preferred this instant petition against the order of Annexure P-1 by which the petitioner has been put in suspension for not joining in his transferred place of posting.

Learned counsel for the petitioner submits that though he was transferred vide order dated 08/09/2004, he continued to work in his earlier place of posting i.e. Kunkuri till 19/10/2004 and he has been placed in suspension on the pretext that he was relieved from Kunkuri to Bilaspur. However, he continued to work in earlier place of posting till 19/10/2004 and thereafter he was on leave on medical grounds.

Learned counsel for the petitioner further submits that he has been put in suspension for non-compliance of the order vide Annexure P-1 on the ground that he did not join in his new place of posting at Bilaspur. He further submits that he has made detailed representation dated 13/12/2004 vide Annexure P-16 to the respondent No.1/State of C.G. through the Secretary, Deptt. Of P.W.D., but the same has not been decided till date. Learned counsel for the respondent submits that if the petitioner is aggrieved by the order of suspension, he ought to have preferred a departmental appeal as provided under Rule 23 of C.G.

Gr. PRJ—FS/350—12/2000—50,000.

(54)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 5050/04 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

(Classification Control and Appeal) Rules, 1966 and the petition deserves to be deserves to be dismissed on the ground that alternative remedy is available.

However, learned counsel for the petitioner and the respondents have gone through rule 23 (3) of C.G. Service Rules applicable to the petitioner which provides for appeal against the order of suspension. In the light of the above alternative provision the representation submitted by the petitioner vide Annexure P-16 may be treated as appeal and the same may be disposed of within a reasonable period.

With this direction, this petition stands disposed of.

Consequently, I.A. No. 9937/2004 and 9938/2004 stand disposed of.

Certified copy as per rules.

Sd/-
Dhirendra Mishra
Judge

Gr. PRJ—FS/350—12/2000—50,000.